

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

MARIA ALEJANDRA CELIMEN SAVINO,
JULIO CESAR MEDEIROS NEVES, and all
those similarly situated,

Petitioners-Plaintiffs,

v.

STEVEN J. SOUZA,

Respondent-Defendant.

Case No. 1:20-cv-10617 WGY

BRIEFING ON INDIVIDUAL APPLICATIONS FOR BAIL
THURSDAY, APRIL 16, 2020

1. Hassan, Ahmed
2. Tejada-Alarcon, Eduardo
3. Castaneda-Lomeli, Juan
4. Guallan-Tixi, Diego
5. Perdomo Vizcaino, Rafael
6. Ali, Liban
7. Shaban, Hamzah
8. Tabia, Guillaum
9. Villalta-Cruz, Edwin
10. Rojas Vargas, Karina

INTRODUCTION

Plaintiffs respectfully submit this briefing on the individual applications for bail that are scheduled for the Court's consideration on April 16, 2020. Information that is common to a number of applications (*e.g.*, briefing on CDC high-risk medical conditions) has previously been filed with this Court, *see* ECF 52, 56, 65, 74, 78, 81, and is incorporated herein by reference. The individualized briefings that are attached hereto as Exhibits 1-10 refer to this information as it may be relevant to particular individuals, and also include the following information for each individual: a) Biographical Information; b) Medical Condition; c) Plans For Transportation/Lodging If Released; d) Criminal History; and e) Immigration History.¹

PENDING MATTERS

Plaintiffs' Motion to Add Individual to Subclass 1, ECF 40 (regarding misclassification of named Plaintiff Maria Alejandra Celimen Savino due to error on government spreadsheet) has been fully briefed and remains pending. Subsequent to Plaintiffs filing this Motion, the Court certified the general class. *See* ECF 64. Accordingly, Plaintiffs anticipate amending and re-styling the pending Motion as an Individual Application For Bail. Unless the Court instructs otherwise, Plaintiffs will plan to file this modified Motion later this week.

Plaintiffs have also requested that Defendants provide an updated spreadsheet to both the Court and Plaintiffs, reflecting the current population of BCHOC.

¹ As with previous filings, if the Court determines that there are certain records or additional evidence that is needed, or wishes the included material to be presented in a different format, Plaintiffs respectfully request that the Court so inform counsel, so that we may attempt to provide it to the Court expeditiously.

COMMON ISSUES IN INDIVIDUALIZED BRIEFINGS

I. The COVID-19 Pandemic Continues to Escalate in Massachusetts.

	<u>COVID-19 Deaths (MA)</u>	<u>COVID-19 Cases (MA)²</u>
<i>March 27, 2020 (Date of Complaint Filing)</i>	35	3240
<i>April 14, 2020</i>	1,108 (increase of 151 in last 24 hours)	29,918 (increase of 1,755 in last 24 hours)

II. The Bristol County House of Correction Remains Unreasonably Unsafe For Class Members Who Are Held There.

On April 15, 2020, the Court denied Defendant’s Motion To Stay Further Releases, finding that “compelling issues of individual, institutional, and community health preclude the luxury of a stay” ECF 86. Yet in its Input Regarding April 16, 2020 List, filed later that same day, Defendant continues to “urge the Court to stay further releases, as there has been no finding by the Court, nor proof by Plaintiffs, that further releases are required to establish appropriate detainee density at BCHOC.” ECF 88 at 2. In fact, Plaintiffs have amply shown that conditions at BCHOC remain unreasonably unsafe, through numerous class member and expert declarations. *See, e.g.*, ECF 12, ECF 32-3; ECF 68, Exs 1-3. To further amplify this record, Plaintiffs anticipate filing on April 16, 2020 additional evidence confirming the correctness of the Court’s stay denial and the critical ongoing need for further releases.

III. Travel Restrictions Make Deportation of Certain Class Members Unlikely.

As previously briefed, *see* ECF 56, the unprecedented threat of COVID-19 has driven countries around the world to close their borders in an attempt to slow the spread of the

² Source: <https://www.mass.gov/info-details/covid-19-cases-quarantine-and-monitoring>.

virus, calling into question the ability of ICE to effectuate the removal of foreign nationals to countries with broad restrictions in place. As a result, ICE as a practical matter is unable to deport many individuals who are subject to a final order of removal, leaving them at a heightened risk of exposure to COVID-19 due to the prolongation of their detention with no clear end in sight.

To the list of countries that have suspended arrival of incoming passengers and effectively closed their borders,³ Plaintiffs add an additional country that is relevant to a class member on today's list for consideration. The Government of Pakistan Civil Aviation Authority has suspended all international passenger, chartered, and private aircraft inbound flights to Pakistan. Domestic commercial flights are also suspended. Land borders remain closed.⁴

CONCLUSION

Plaintiffs submit that for the foregoing reasons, as well as the specific reasons laid out in the attached individualized briefings, this Court should grant the release all of the individuals listed on the Court's April 16, 2020 list, as well as Maria Alejandra Celimen Savino.

April 16, 2020
Respectfully Submitted,

_____/s/ Oren Sellstrom
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³ Plaintiffs' previous briefing covered the following countries: Dominican Republic, Democratic Republic of the Congo (DRC), Peru, Iraq, South Africa, Cape Verde, Guatemala, Honduras, Venezuela, Ecuador, Trinidad and Tobago, St. Lucia, Kenya, Colombia, El Salvador, India, Liberia, and Panama.

⁴ See U.S. EMBASSY AND CONSULATES IN PAKISTAN, COVID-19 Information, *available at* <https://pk.usembassy.gov/covid-19-information/>.

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CERTIFICATE OF SERVICE

I hereby certify that, on April 16, 2020 a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of this court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

Date: April 16, 2020

/s/ Oren Sellstrom
Oren Sellstrom (BBO #569045)